

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2021/2022

PCC0012 – INTRODUCTION TO CRIMINAL AND CONSTITUTIONAL LAW

(All Sections / Groups)

18 APRIL 2022
9.00am - 11.00am
(2 hours)

INSTRUCTIONS TO STUDENT

1. This question paper consists of two (2) pages excluding the cover page.
2. Answer **ALL** questions from **PART A** and **ONE (1)** question from **Part B**.
3. Please write all your answers in the Answer Booklet provided.

PART A: COMPULSORY [60 MARKS]**QUESTION 1**

‘A Sessions Court shall have jurisdiction to try all offences other than offences punishable with death.’

[Section 63 of the Subordinate Courts Act 1948 (Revised 1972)]

Discuss the abovementioned provision and the jurisdiction of criminal courts in Malaysia according to the hierarchy. Support your answer with relevant authorities.

(30 marks)

QUESTION 2

“Art 8 of FC ... implies that there is only one kind of law in the country to which all citizens are amenable.”

[PP v Tengku Mahmood Iskandar [1973] 1 MLJ 128]

By virtue of the above statement, explain the principle of equality before the law as enshrined in the Federal Constitution. Support your answer with relevant authorities.

(30 marks)

Continued

PART B: ANSWER ONE (1) QUESTION ONLY [40 MARKS]**QUESTION 3**

One fine morning, Ross was driving his BMW car across Jalan Bukit Beruang while Gunther was riding his cycle rickshaw on the road. Gunther overtook Ross from the left and a car came into the lane where Ross was driving. Ross hooted his car horn to warn the other driver. However, Gunther mistakenly thought that the hoot was for him and he got furious. Ross and Gunther got into a big fight. Gunther pulled Ross out the window and attacked him with a hockey stick. Afraid of his safety, Ross took his gun and fired 2 shots at Gunther. The first shot was a warning shot. However, Gunther continued to attack Ross which caused Ross to fire the second shot which pierced through Gunther's chest and he died on the spot. Ross was charged for murder which carries death punishment under Section 302 of the Penal Code. Ross's wife, Rachel approaches you to know if there is a way to justify Ross's act to the court in order to save him from the death sentence.

Explain your answer with reference to the relevant authorities.

[Total: 40 marks]

QUESTION 4

“Rule of law means, among other things, that everyone is equal before the law, it is clear and unambiguous, everyone regardless of status has access to justice, the process itself is transparent and disputes or injustices suffered can be corrected.”

[Jahaberdeen M. Yunoos. (2019, Aug 2011). ‘Constitutional Supremacy or Parliamentary Supremacy?’ The Star]

Based on the above statement, explain the concept of rule of law. Support your answer with relevant authorities.

[Total: 40 marks]

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